BORA LASKIN LAW LIBRARY
3 1761 06092029 5

Law and Terrorism: Theoretical and Comparative Perspectives

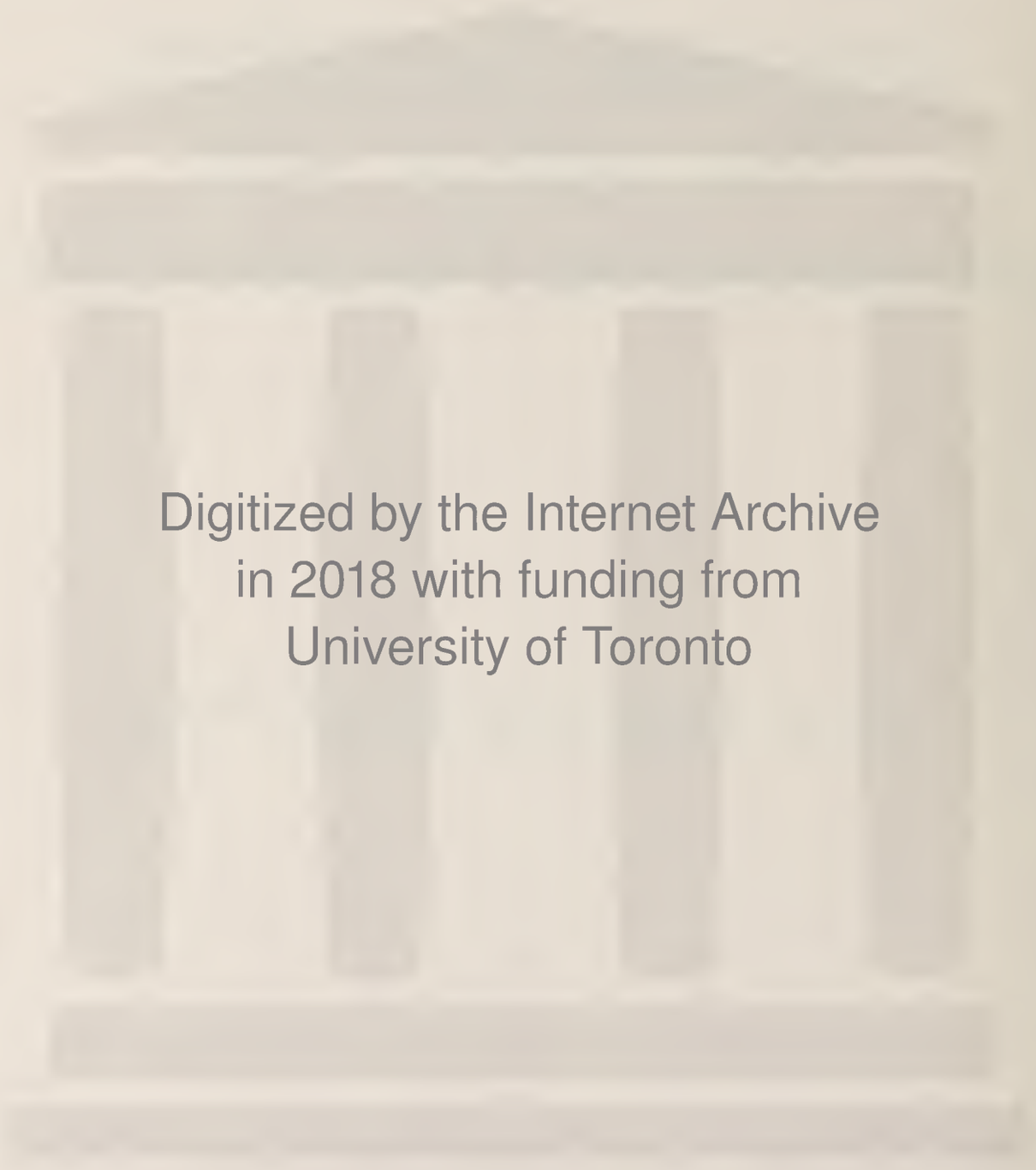
Prof. Daphne Barak-Erez

Storage
K
5256
.B37
2005
c.1

BORA LASKIN LAW LIBRARY
SEP - 1 2005
FACULTY OF LAW
UNIVERSITY OF TORONTO

Law and Terrorism:
Theoretical and Comparative Perspectives

Prof. Daphne Barak-Erez


Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/lawterrorismtheo00bara

Contents

Lesson 1: The Definition of Terrorism and its Implications 1

1. Ann-Marie Slaughter and William Burk-White 2-12
   "An International Constitutional Moment" 43 Harv. Int'l L. J. 1 (2002).
2. David Jenkins 13-20
   "In Support of Canada's Anti-Terrorism Act: a Comparison of Canadian, British and American Anti-Terrorism Law" 66 Sask. L. Rev. 419, 430-442 (2003).

Lesson 2: Torture and Physical Measures in Interrogations 21

3. Universal Declaration of Human Rights, Article 5 22
4. International Covenant on Civil and Political Rights, Article 7
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,Articles 1-4.
6. H.C.J. 5100/94 Public Committee Against Torture in Israel v. Israel (Israel). 23-63

Lesson 3: Targeted Killings of Terrorists 64-74

7. Georg Notle "Preventive Use of Force and Preventive Killings: Moves into a Different Order" 5 Theoretical Inquiries in Law 111 (2004).
8. Daniel Statman "Targeted Killings" 5 Theoretical Inquiries in Law 179 (2004). 75-85

Lesson 4: Illegal Combatants in International Law 86

9. Geneva Convention Relative to the Treatment of Prisoners of War 1949, Articles 3-5. 87
10. Geneva Convention Relative to the Protection of Civilian Persons in Time of War 1949, Articles 4-5.
11. Protocol Additional to the Geneva Conventions 1977 (Protocol 1), Articles 43-45, 75. 88-89
12. Yoram Dinstein "Unlawful Combatancy" 32 Isr. Y. Hum. Rts. 247 (2002). 90-102
13. Hamdi v. Rumsfeld 124 S. Ct. 2633 (2004) (Opinion by Justice O'Connor) 103-135
14. Incarceration of Unlawful Combatants Law 2002 (Israel) 136-138
15. Daphne Barak-Erez "The International Law of Human Rights and Constitutional Law: A Case Study of an Expanding Dialogue" 2 ICON - International Journal of Constitutional Law 611, 624 (2004). 139-140

Lesson 5: Detentions Outside the Frame of Criminal Law 141

16. Emergency Powers (Detention) Law 1979 (Israel) 142-143
17. Patriot Act, Section 412. 144-146

18. Prevention of Terrorism Act 2005 (England) 147-172

Lesson 6: The Impact of Anti-Terrorism Measures on Civilian Population 173

19. HCJ 7015/02 Ajuri v. IDF Commander in West Bank (Israel). 174-204

20. Daphne Barak-Erez "The International Law of Human Rights and Constitutional Law: A Case Study of an Expanding Dialogue" 2 ICON - International Journal of Constitutional Law 611, 618-622 (2004) 205-210

Lesson 7: The Future of Human Rights in an Era of Terrorism 211

21. David Jenkins "In Support of Canada's Anti-Terrorism Act: a Comparison of Canadian, British, and American Anti-Terrorism Law" 66 Sask. L. Rev. 419, 442-454 (2003). 212-218

22. Kim Lane Scheppele "Other People's Patriot Acts: Europe's Response to September 11" 50 Loy. L.Rev. 89, 97-146 (2004). 219-249